

Exhibit 3

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Anno Millefimo Septingentesimo Octogesimo secundo.

An A C T for establishing a Militia within this State.

1. **W**HEREAS a well regulated Militia is the proper and natural Defence of a free State, and as the Laws heretofore made for the Regulation thereof, are found to be inadequate to the good Purposes thereby intended, *Be it therefore Enacted by the General Assembly of Delaware, and it is hereby Enacted by the Authority of the same,* That the late Lieutenants and Sub-Lieutenants in each County of this State, shall, and they are hereby directed, within one Month from the passing of this Act, to deliver to the Colonel, or Commanding Officer of each Battalion in his County, a true Transcript from his Book, as far as relates to the District or Division for such Battalion respectively, and the Sub-Divisions for Companies therein, and the Descriptions of such Sub-Divisions: Whereupon the Colonel, or Commanding Officer of each Battalion shall deliver a Description of each Sub-Division respectively to the Captain or Commanding Officer of that Sub-Division or Company, who, in the Month of *April*, in every Year, shall make an exact Return to the said Colonel or Commanding Officer of the Battalion, of the Names and Surnames of every able-bodied effective Male white Inhabitant between the Ages of eighteen and fifty Years, then residing in his Sub-Division, and what Arms and Accoutrements each Man, mentioning him, is possessed of; a Copy of which Return the said Colonel or Commanding Officer shall immediately transmit to the President or Commander in Chief.

Preamble.

The late Lieutenants and Sub-Lieutenants to deliver Descriptions of Battalions and Companies. Ditto &c.

Captains to make annual Returns of Arms, &c.

Copies whereof to be transmitted to the President.

2. *And be it Enacted,* That the President or Commander in Chief, in Case of the Vacancy of the Place of a Colonel in any of the Regiments of Militia of the State, may and shall issue a Commission of Lieutenant-Colonel Commandant of the Regiment in which such Vacancy is, or may happen, to the Lieutenant-Colonel of such Regiment; and in Case of the Vacancy of the Place of Lieutenant-Colonel or Major of any Regiment, or of the Place of Captain, Lieutenant or Ensign of any Company of a Regiment, that the President or Commander in Chief may

Vacancies in the Military Line, how supplied.

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may and shall appoint such Person as he shall judge most suitable to fill such Vacancy, and issue a Commission to him accordingly.

Quarter-Masters, &c. how appointed.

Serjeants, &c. how.

Penalty for neglecting to serve.

3. *And be it Enacted*, That the Field Officers of each Battalion shall appoint a Quarter-Master, and Adjutant, a Drum and a Fife-Major, for the Battalion, and the commissioned Officers of each Company shall appoint four Serjeants, four Corporals, one Drum and one Fife, for their respective Companies, every of whom, not being one of the People called Quakers, shall severally serve for one Year, in the respective Stations to which they may be so appointed, under the Penalty of Three Pounds, to be recovered and applied as Fines and Forfeitures under Five Pounds are herein after directed to be recovered and applied.

Militia to be divided into Classes.

Rolls thereof to be formed, and transmitted to the Colonel.

4. *And be it Enacted*, That in the Month of *April* next ensuing, the Captain or Commanding Officer of each Company shall call the Persons enrolled therein together, giving due Notice, and shall divide them into eight Classes, as nearly equal in Number to each other, as conveniently may be, allotting a Serjeant or a Corporal on the Roll to each Class, and eight Slips of Paper numbered respectively from one to eight being prepared, every Private shall determine, by drawing a Ballot, what Class he is to serve in; and in Case any of the Persons enrolled as aforesaid, shall neglect to attend at the Time and Place appointed for classing the said Company, or if present, shall refuse to draw as aforesaid, then the said Captain or Commanding Officer thereof shall appoint one disinterested Freeholder, to draw for the Absentees or Persons so refusing; and when the Classes shall be so settled, the Captain or Commanding Officer of each Company shall form a Roll consisting of the eight Classes, and the Names and Surnames of the Men in each Class, numbered according to the Order of Ballotting, which he shall keep for his own Use and Direction, transmitting forthwith a Copy thereof, with a List of his commissioned and non-commissioned Officers prefixed, to the Colonel or Commanding Officer of the Battalion, who shall enter the same in his Book: And the said Captain or Commanding Officer shall in the Month of *April*, in the Year of our Lord One Thousand Seven Hundred and Eighty-three, and in the Month of *April* in every succeeding Year, add to the said Roll the Names and Surnames of all such Male white Inhabitants between the Ages aforesaid, who in the next preceding twelve Months have removed to and are then residing in that Sub-Division, or have therein attained to the Age of eighteen Years, except as herein after are excepted, annexing them respectively to such Class or

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Classes as may still render all the Classes of a Company as nearly equal in Number to each other as conveniently may be.

5. *And be it Enacted*, That every Company shall be duly exercised and instructed once in every Month, except the Months of *July, January and February*, at such Time and Place as the Captain or Commanding Officer shall direct, and every Battalion shall also be reviewed twice in every Year, and be properly trained and disciplined, at such Time and Place as the Colonel or Commanding Officer shall direct, and at such other Times and Places as the President or Commander in Chief shall think necessary, and shall order; such Days of Review to be considered as the Day of Exercise for that Month.

Militia how often to be exercised.

6. *And be it Enacted*, That every Person between the Ages of eighteen and fifty, or who may hereafter attain to the Age of eighteen Years (Clergymen and Preachers of the Gospel of every Denomination, Judges of the Supreme Court, Sheriffs, Keepers of the public Gaols, School-Masters teaching a Latin School, or having at least twenty English Scholars, and indented Servants *bona Fide* purchased, excepted) who is rated at Six Pounds, or upwards, towards the Payment of public Taxes, shall, at his own Expence, provide himself; and every Apprentice, or other Person, of the Age of eighteen and under twenty-one Years who hath an Estate of the Value of Eighty Pounds, or whose Parent is rated at Eighteen Pounds towards the public Taxes, shall, by his Parent or Guardian, respectively, be provided with a Musket or Firelock with a Bayonet, a Cartouch-Box to contain twenty-three Cartidges, a Priming-Wire, a Brush and six Flints, all in good Order, on or before the first Day of *June* next, and shall keep the same by him at all Times, ready and fit for Service, under the Penalty of Twenty Shillings for every two Months Neglect or Default, to be paid by such Person, if of full Age, or by the Parent or Guardian of such as are under twenty-one Years, the same Arms and Accoutrements to be charged by the Guardian to his Ward, and allowed at settling the Accounts of his Guardianship.

What Persons shall provide Arms, &c.

Penalty for neglecting to keep them in Repair.

7. *And be it Enacted*, That every Male white Person within this State, between the Ages of eighteen and fifty, or who shall hereafter attain to the Age of eighteen Years (Clergymen and Preachers of the Gospel of every Denomination, Members of the General Assembly, Justices of the Supreme Court, Justices of the Courts of Common Pleas, Justices of the Peace, Sheriffs, Keepers of the public Gaols, School-Masters teaching a Latin School, or having at least twenty English Scholars, and indented Servants *bona Fide* purchased, excepted) shall attend at the Times and Places appointed in Pursuance of this Act for

Penalty on Privates for Non-attendance, &c.

How to be ad-
judged.

the Appearance of the Company or Battalion to which he belongs; and if any non-commissioned Officer or Private, so as aforesaid required to be armed and accoutred with his Fire-lock and Accoutrements aforesaid in good Order, or if any Male white Person between the Ages aforesaid, although not required to be so armed and accoutred, shall neglect or refuse to appear on the Parade and answer to his Name when the Roll is called over, which the commanding Officer is hereby directed to cause to be done at the Distance of one Hour after the Time appointed for Meeting, not having a reasonable Excuse, to be adjudged of by a Court-Martial to be appointed by the commanding Officer of the Company, which shall consist of a Subaltern and four Privates, the Subaltern to be President thereof, every such Person shall forfeit and pay the Sum of Three Shillings and Nine-pence for every such Neglect or Refusal, and if the said Court Martial shall adjudge, that such Person had not a reasonable Excuse for such Neglect or Refusal, he shall pay the Costs of any Suit or Prosecution afterwards had or commenced for the said Fine and Forfeiture, although the same may not be recovered by the Officer suing for the same in the Manner herein after directed.

For Neglect of
Duty, the Pe-
nalty.

8. *And be it Enacted;* That every Person required to attend as aforesaid, at the Time and Place of Exercise in Company, or in Battalion, who shall then and there appear, and shall neglect or refuse to answer to his Name when the Roll is called over, or to obey the lawful Commands of his Commanding Officer, or to perform his Exercise with the Care and Attention requisite therein, being convicted of any of the said Offences, by a Court-Martial to be appointed as aforesaid, shall forfeit and pay the Sum of Seven Shillings and Six-pence for every such Offence.

Fines incurred
by Minors, of
whom to be
recovered.

9. *And be it Enacted;* That if any Person of the Age of eighteen, and under twenty-one Years, who is hereby required to attend at the Time and Place of Exercise in Company or in Battalion, shall neglect or refuse to appear on the Parade and answer to his Name when the Roll is called over, or shall then and there appear and shall neglect or refuse to answer to his Name when the Roll is called over, or to obey the lawful Commands of his Commanding Officer, or to perform his Exercise with the Care and Attention requisite therein, the Fines and Penalties by this Act in such Case to be incurred by him, shall be recovered of his Parent, Guardian or Master (if found to be the Fault of the Master) in the same Manner as if such Parent, Guardian or Master had personally incurred such Fines and Forfeitures, and shall in the Case of a Guardian be by him charged to his Ward when of Age.

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10. *And be it Enacted,* That every commissioned Officer who shall neglect or refuse to appear at the Time and Place appointed for Exercise in Battalion, having no reasonable Excuse, to be adjudged of by such of the Officers present as the Colonel or Commanding Officer for that Day shall appoint, and there do and perform his Duty according to his Office and Station, shall forfeit and pay, if a Colonel, Thirty Shillings; if a Lieutenant-Colonel, Twenty-two Shillings and Six-pence; if a Major, Fifteen Shillings; if a Captain, Ten Shillings; and if a Subaltern or Staff-Officer, Seven Shillings and Six-pence: And every commissioned Officer who shall refuse or neglect to appear at the Time and Place appointed for Exercise on other Muster Days, having no reasonable Excuse, to be adjudged of by the Officers present, or a Majority of them, shall forfeit and pay the Sum of Ten Shillings, if a Captain, and the Sum of Seven Shillings and Six-pence if a Subaltern.

Commissioned
Officers to be
fined for Ne-
glect of Duty.

11. *And be it Enacted,* That the commissioned Officers of every Company shall appoint such Serjeant thereof as they shall judge best qualified for that Business to be Clerk thereto, who shall keep in a Book, to be provided by him for that Purpose, to be viewed and examined from Time to Time by the Commanding Officer thereof, a fair and exact Account of all Fines and Forfeitures incurred by Persons belonging to the same, noting therein at the Time and Place appointed for Meeting in Company or in Battalion the Names of the Persons belonging to his Company and then absent; a Transcript of which Entries the said Clerk shall deliver to the Treasurer of his Battalion once in three Months, by whom he shall be paid Thirty Shillings a Year for his Services aforefaid as Clerk.

A Clerk to be
appointed for
each Compa-
ny,

his Duty,

and Pay.

12. *And be it Enacted,* That the Commanding Officer of every Company is hereby impowered and required to sue for and recover, in the Manner herein after directed, all Fines and Forfeitures incurred as aforefaid by any non-commissioned Officer or Private belonging to his Company, and being so recovered, shall forthwith pay over the same into the Hands of the Treasurer of the Battalion to which he doth belong, deducting One Shilling in the Pound for collecting the same: And if any such Commanding Officer shall neglect or refuse to sue for and recover all Fines and Forfeitures incurred in his Company once in every three Months, and pay over the same, agreeable to the Directions of this Act, he shall forfeit and pay the Sum of Five Pounds for the first Offence, and for the second and every other Offence the Sum of Ten Pounds.

The Captain
of each Com-
pany to sue for
Fines incurred
therein.

Penalty for
Neglect.

13. *And be it Enacted,* That it shall and may be lawful for the
B commissioned

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A Treasurer
for each Battal-
ion to be chofe
en annually.

commissioned Officers of each Battalion to meet on the first *Saturday of August* next, and on the first *Saturday of August* annually thereafter, during the Continuance of this Act, at the Place where such Battalion usually meets, and being so met, to choose by Ballot, to be taken under the Inspection of the Field Officers, or such of them as attend, one reputable Freeholder, not being one of the said commissioned Officers, to be Treasurer to such Battalion for the Year thence next ensuing.

He shall give
Bond,

14. *And be it Enacted*, That the Treasurer of each Battalion in the several Counties of this State, before he enters on the Duties by this Act required of him, shall give Bond to the Colonel of the same, in such Sum and with such Sureties as he shall approve of, conditioned for the faithful Performance of the Duties hereby enjoined him, and shall pay over all such Sums of Money as shall come into his Hands, in Pursuance of this Act, in the Manner herein directed; and at the Expiration of the Year for which he was chosen shall render an Account to the General Assembly, or their Committee, of all Monies that have come into his Hands as Treasurer of said Battalion, and in what Manner he hath disposed of the same, and the Balance remaining in his Hands, if any, shall forthwith, after such Account rendered, be paid over to his Successor in the said Office, after deducting Sixpence in the Pound for his Trouble.

and account
with the Ge-
neral Assem-
bly.

Appropriation
of the Fines.

15. *And be it Enacted*, That all Fines and Forfeitures that shall be paid into the Hands of any Treasurer of a Battalion, in Pursuance of this Act, shall be applied for the Purpose of purchasing Arms, Accoutrements and Ammunition for the Use of the Battalion, as the President or Commander in Chief from Time to Time shall order and direct, and for purchasing such Drums, Colours and Fifes for the several Companies, and also for paying Adjutants, Drummers and Fifers, and in such Manner as the Field-Officers thereof, shall, from Time to Time, order and direct.

16. *Provided always, and be it Enacted*, That no Ammunition shall be delivered for the Use of any Battalion until the same be made up into Cartridges, which the President or Commander in Chief is hereby required to have done at the Expence of the State.

Public Arms,
&c. who to be
accountable
for, in Case of
Waste,

17. *And be it Enacted*, That whenever any Arms, Accoutrements, or Ammunition shall, by Order of the President or Commander in Chief, be delivered by the Treasurer of the Battalion, or any other Person in whose Hands the same may be, for the Use of such Battalion, the Commanding Officer thereof shall give a Receipt

Receipt for the same, accurately specifying the Articles received, and the Number of Arms, Accoutrements and Cartridges respectively, who upon delivering them to the Commanding Officers of Companies, shall take Receipts in like Manner, and the said Commanding Officers of Companies, upon delivering them to the Privates, shall make Entries in a Book, fairly kept, specifying the Articles and the Numbers as aforesaid, and the Names of the Persons respectively, into whose Hands they were by him delivered, which Persons respectively shall be accountable to him for the full Value of every of the said Articles received by them, in Case of Abuse, Waste or Imbezzlement, to be sued for and recovered by him, in the Manner herein after directed, and the said Commanding Officers of Companies shall be accountable to the Treasurer for the full Value of every of the said Articles respectively received by them, in Case of Abuse, Waste or Imbezzlement, to be sued for and recovered by the said Treasurer in like Manner.

18. *Provided always, and be it Enacted*, That the Commanding Officer of a Battalion shall be accountable to the Treasurer thereof, in Manner before-mentioned, for every of the said Articles by him received as aforesaid, for which he shall not produce such Receipts from the Commanding Officers of Companies as are herein before directed to be taken.

or neglecting
to take Re-
ceipts therefor.

19. *And be it Enacted*, That the President or Commander in Chief shall have full Power and Authority, in Case of Invasion, Rebellion or Insurrection within this State, or in Case of actual Invasion of the State of *Maryland, New-Jersey, Pennsylvania*, or the Eastern Shore of *Virginia*, to call into Service such Part of the Militia, by Classes, as to him shall seem necessary, the first Draught to be composed of the Class Number one of each Company, and in Case the first Draught shall not be sufficient for the Exigency, then the Class Number two shall be drawn, and so on by Classes, from Time to Time, as Occasion may require. And to the End, that each particular Draught may be suitably officered, the following Order is hereby directed and enjoined: That is to say, For the first Draught, the Captain of the first Company, the first Lieutenant of the second Company, the second Lieutenant of the Third Company, and the Ensign of the fourth Company. For the second Draught, the Captain of the second Company, the first Lieutenant of the first Company, the second Lieutenant of the fourth Company, and the Ensign of the third Company. For the third Draught, the Captain of the third Company, the first Lieutenant of the fourth Company, the second Lieutenant of the first Company, and the Ensign of the second Company. For the fourth Draught, the Captain of the fourth Company,

President may
call out the
Militia, upon
Invasion, &c.

Draughts how
officered.

Company, the first Lieutenant of the third Company, the second Lieutenant of the second Company, and the Ensign of the first Company. For the fifth Draught, the Captain of the fifth Company, the first Lieutenant of the sixth Company, the second Lieutenant of the seventh Company, and the Ensign of the eighth Company. For the sixth Draught, the Captain of the sixth Company, the first Lieutenant of the fifth Company, the second Lieutenant of the eighth Company, and the Ensign of the seventh Company. For the seventh Draught, the Captain of the seventh Company, the first Lieutenant of the eighth Company, the second Lieutenant of the fifth Company, and the Ensign of the sixth Company. For the eighth Draught, the Captain of the eighth Company, the first Lieutenant of the seventh Company, the second Lieutenant of the sixth Company, and the Ensign of the fifth Company.

Rotation of
Duty among
Field Officers,
how ascertain-
ed.

20. *And be it Enacted*, That the several Colonels, Lieutenant-Colonels and Majors of the Regiments composing a Brigade in each County, shall on or before the twentieth Day of *April* next ensuing, meet together and decide the Rotation of Duty among them, by several and separate Lots in numerical Order, as aforesaid in the several Lines of Office ; which being done, a Roll thereof shall be immediately made and subscribed by them all, and returned to the Brigadier-General of the Brigade, and by him, he first taking a Copy thereof, without Delay, be transmitted to the President or Commander in Chief ; and if the Field-Officers aforesaid shall neglect to decide the Rotation of Duty, or to return the Roll subscribed as aforesaid to the Brigadier-General, or if Brigades or Detachments shall be composed of Classes from different Counties, the Field-Officers shall take their Tour of Duty according to their respective Ranks, in such Manner as the President or Commander in Chief shall direct and order, each Class to be considered as Detachments from different Corps, liable to serve any Term not exceeding six Weeks, and to be relieved by the Class next in numerical Order, the Relief to arrive at least two Days before the Expiration of the Term of the Class to be relieved : But nothing herein contained shall prevent the President or Commander in Chief from employing or calling out the Whole of any Battalion where it may be necessary, or the Whole of any Company, without Respect to this Rule, whenever the Exigency is too sudden to assemble the Militia which compose the particular Classes. And the Militia in actual Service shall receive the same Pay and Rations as continental Troops, their Pay to commence two Days before their Marching by Classes ; and receive Pay and Rations till their Return Home : Provided that not more than one fourth of the Classes of the Militia shall be sent and kept out of this State at any Time,

Militia how
relieved.

Their Pay and
Rations.

Time, nor shall any Part of the Militia be retained in actual Service out of this State, longer than the Invasion of the adjoining State continues.

Not to be kept out of the State longer than, &c.

21. *And be it Enacted*, That in Case of the Absence of the President or Commander in Chief of this State, on any Insurrection, Rebellion or Invasion, the General or Commanding Officer in the military Line, in each County respectively, is hereby authorized and directed to issue his Orders, to call out such Part of the Militia as he may judge immediately necessary, and shall forthwith transmit an Account thereof, to the President or Commander in Chief.

Who may call out the Militia in the Absence of the President.

22. *And be it Enacted*, That the Brigadier-General of each Brigade, upon receiving Orders from the President or Commander in Chief, for any Class or Classes of Militia, to be called out by Virtue of this Act, shall give due Notice thereof to the Commanding Officers of Battalions, they to the Commanding Officers of Companies respectively, who shall forthwith give the same to the Class or Classes ordered to march, and without Delay certify in Writing under their Hands respectively, to the Commanding Officer of the Battalion, in what Manner such Orders have been executed, and shall make Returns in Writing of those who are then sick or absent out of the County; and for such Service each Commanding Officer of a Company shall receive from the Treasurer of a Battalion, out of the Fines and Forfeitures incurred by this Act, the Sum of Seven Shillings and Sixpence, and no more: And such Commanding Officer of the Battalion shall forthwith transmit a Copy of such Returns to the Brigadier-General aforesaid. And if the Commanding Officer of a Battalion shall neglect or refuse to give such Notice as he is hereby directed to give, or if the Commanding Officer of a Company shall neglect or refuse to give such Notice as he is hereby directed to give, or to certify as aforesaid, he shall forfeit and pay to the Treasurer of the Battalion the Sum of Ten Pounds.

How Notice shall be given to the Classes ordered to march.

Penalty for Neglect.

23. *And be it Enacted*, That if any Person of the Age of eighteen and under twenty-one Years, who is by this Act required to march with his Class, Company or Battalion, shall neglect or refuse so to do, the Fines and Penalties by this Act in such Case to be incurred by him, shall be recovered of his Parent, Guardian, or Master (if found to be the Fault of the Master) in the same Manner as if such Parent, Guardian or Master had personally incurred such Fines and Forfeitures, and shall, in the Case of a Guardian, be by him charged to his Ward when of Age.

Fines incurred by Minors for neglecting to march, of whom recovered.

24. *And be it Enacted*, That every Field-Officer within this State,

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Officers not
taking their
Tour of Duty,
to be fined.

State, who shall refuse or neglect to take his Tour of Duty, when the Militia of this State shall be called into actual Service by Classes, Companies or Battalions, having no sufficient Excuse, to be adjudged of by a Court-Martial, to be appointed by the Commanding Officer of the Brigade to which he belongs, shall forfeit and pay, if a Colonel Thirty Pounds, if a Lieutenant-Colonel Twenty-two Pounds and Ten Shillings, if a Major Fifteen Pounds: And every other commissioned Officer who shall refuse or neglect to march with his Class, Company or Battalion, when the same shall be called into actual Service, and continue with the same until such Class, Company or Battalion is discharged, having no reasonable Excuse, to be adjudged of by a Court-Martial, to be appointed by the Colonel of the Battalion to which he belongs, shall forfeit and pay the Sum of Ten Pounds if a Captain, and the Sum of Seven Pounds and Ten Shillings if a Subaltern or Staff-Officer. And every non-commissioned Officer and Private (Members of the General Assembly, Justices of the Courts of Common Pleas, and Justices of the Peace, in the Case of actual Invasion of the State of *Maryland, New-Jersey, Pennsylvania*, or the Eastern Shore of *Virginia*, excepted) who shall refuse or neglect to attend, at the Time and Place appointed for any Class or Company to meet, or, having met, shall refuse to march with his Class or Company, and continue with the same until such Class or Company is discharged, not having a reasonable Excuse, to be adjudged of by a Court-Martial, to be appointed by the Commanding Officer of the Company in the Manner herein before directed, shall forfeit and pay the Sum of Five Pounds: And the Commanding Officer of every Company shall immediately after the Return of a Class or Classes of his Company, or of his Company from a Tour of Duty, return to the Treasurer of the Battalion a true List, containing the Names of every Person belonging to the said Class or Classes, or Company who hath failed in performing the Duties hereby required of him, and such Commanding Officer neglecting or refusing to return a List as aforesaid, shall forfeit and pay the Sum of Ten Pounds.

Privates not
marching with
their Classes,
&c. to be fined.

Captains to
return Lists of
Delinquents.

Privates may
substitute on
Detachments.

25. *And be it Enacted*, That every Private shall be allowed to substitute on Detachments an able-bodied effective Private in his Stead, to be approved of by the Commanding Officer of the Company, and such Substitute serving out the Tour of Duty for which he is substituted, the Person substituting him shall be discharged from that Tour, but shall nevertheless take his own Tour of Duty whenever it returns again in the Order wherein it shall have been settled as aforesaid; and that in Case of Sick-ness or other unavoidable Accident an Officer shall be prevented from taking his Tour of Duty on any Detachment, the next to him in the Order of Detachment, shall supply his Place, and the
Person

Person so prevented, shall, in Return, take the proper Tour of Duty, on Detachments, of the Person so supplying his Place.

26. *And be it Enacted*, That the firing of four Muskets successively and distinctly, and the Beating of a Drum immediately after for fifteen Minutes successively, or the firing of two Cannon at four Minutes Distance of Time, and the Beating of a Drum immediately after for fifteen Minutes successively, within this State, shall be Signals of, and be deemed and taken to be an Alarm; and the Commanding Officer of each Company who shall have Notice of an Alarm, shall forthwith cause the Assemble to be beat; use his utmost Diligence to collect the Company under his Command, and send immediate Notice to all the Field Officers in the Neighbourhood, and to the Commanding Officer, or in Case of his Absence, to some commissioned Officer of the next Company, who shall in like Manner give Notice to Field Officers, and to an Officer of the next Company, and so on till the Notice become general, and the Field Officers shall immediately repair, and the Officers of Companies shall immediately march with their Companies respectively and in proper Order, to such Place of Rendezvous as shall be appointed by the Commanding Officer; and upon every such Alarm every Officer of a Company under the commanding Officer thereof, and every Private, shall and is hereby required immediately to repair with his Arms, Accoutrements, and Ammunition, to the Habitation of the Commanding Officer of the Company, unless some other Place be appointed as aforesaid for that Purpose, and shall obey all such lawful Commands as shall be given him, and after such Company is formed, it shall be considered as in actual Service and full Pay, and so shall remain until discharged: And all Officers and Privates shall continue in Service on such Alarm as long as the Commanding Officer shall judge expedient; and if any Person or Persons, except a commissioned Officer, shall presume to make the Signals of an Alarm as aforesaid, within this State, he or they shall forfeit and pay for such Offence the Sum of Fifty Pounds.

What shall
be deemed an
Alarm.

who may
make an A-
larm.

27. *And be it Enacted*, That if any Field Officer shall not perform the Duties belonging to his Station in Case of an Alarm, having no reasonable Excuse, to be adjudged of by a Court Martial to be appointed by the Commanding Officer of the Brigade to which he belongs, he shall forfeit and pay, if a Colonel, Twenty Pounds, if a Lieutenant Colonel, Fifteen Pounds, and if a Major, Ten Pounds. And every other commissioned Officer who shall not perform the Duties belonging to his Station in Case of an Alarm, having no reasonable Excuse, to be adjudged of by a Court-Martial to be appointed by the Commanding Officer

Officers and
Privates neg-
lecting their
Duty on an
Alarm, the
Penalty.

cer

cer of the Battalion to which he belongs, shall forfeit and pay, if a Captain, Six Pounds Thirteen Shillings and Four-pence, and if a Subaltern or Staff-Officer, Five Pounds; and every non-commissioned Officer and Private who shall not perform the Duties required of him in Case of an Alarm, not having a reasonable Excuse, to be adjudged of by a Court-Martial to be appointed by the Commanding Officer of the Company which he belongs to, in the Manner herein before directed, shall forfeit and pay Three Pounds Six Shillings and Eight-pence. And the Commanding Officer of every Company shall immediately after it is discharged from attending on an Alarm, return to the Treasurer of the Battalion a true List containing the Names of every Person belonging to his Company who hath failed in performing the Duties required of him on such Alarm, and such Commanding Officer neglecting or refusing to return a List as aforesaid, shall forfeit and pay the Sum of Six Pounds Thirteen Shillings and Four-pence.

Delinquents
liable to Costs,
altho, &c.

28. *And be it Enacted*, That if any Court-Martial herein before directed to be appointed, shall respectively adjudge, that a Field Officer, other commissioned Officer, non-commissioned Officer or Private, had no reasonable Excuse for not performing the Duties respectively required of him, in Case of a Call of the Militia upon any Invasion, Rebellion, or Insurrection as aforesaid, or on an Alarm, such Field Officer, other commissioned Officer, non-commissioned Officer or Private, respectively, shall pay the Costs of any Suit or Prosecution afterwards had or prosecuted against him for the Fines and Forfeitures to which he is hereby respectively made liable, although the same may not be recovered by the Person suing for the same in the Manner herein after directed.

Officers guilty
of a Breach of
Duty to be re-
moved.

29. *And be it Enacted*, That if any commissioned Officer shall neglect or refuse to perform any Thing herein before directed to be done by him, the President or Commander in Chief is hereby required to remove him from his Office, and appoint another in his Place, and to issue a Commission to the Person so appointed accordingly, it being first adjudged by a Court Martial to be appointed respectively as the Rank of the Officer may be, in the Manner herein before directed, that such Officer had no reasonable Excuse for the Non-performance of his Duty.

Deserters al-
lowed no Pay
for Duty pre-
vious to De-
sertion.

30. *And be it Enacted*, That every Captain and other Officer of the Militia, who shall hereafter make out a Pay-Roll, shall insert therein, as well the Names of those who shall have deserted, if any there shall be, as of those who shall serve out their Tour, and note such Deserters as having deserted, but shall not annex any

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any Pay for the Time they did Duty, previous to their Defection.

31. *And be it Enacted*, That in Case of Invasion, Rebellion or Infurrection as aforesaid, the President or Commander in Chief, or, in his Absence, the General or Commanding Officer in the military Line, in each County respectively, is hereby impowered to issue Warrants to proper Persons, for impressing Horses and Carriages, as the Service may require.

Who may issue
military War-
rants in the
President's
Absence.

32. *And be it Enacted*, That the President or Commander in Chief may commissionate three Brigadier-Generals, and also one Major-General, when those Offices become vacant, to command the Militia of this State, which Major-General is hereby impowered to appoint an Aid-de-Camp, and each of the said Brigadier-Generals to appoint a Brigade-Major.

The President
may appoint a
Major-General,
&c.

33. *And be it Enacted*, That a proper Person may be appointed by the President or Commander in Chief, to be Commissary of military Stores and Provisions, in each of the Counties of this State, whose Business and Duty shall be to collect together all public Arms and Military Stores, and the same securely and safely to keep in some convenient and proper Place, in good Order and fit for service, and not to deliver out any of the said Arms, Stores or Provisions, but by Virtue of an Order in Writing from the President or Commander in Chief, or, in his Absence, and in Case of Emergency, by an Order from the Officer commanding the Militia in the respective Counties, and to take proper Receipts for all Arms, Stores and Provisions delivered out, and make Report of the Condition of the Arms, Stores and Provisions in his Care and Custody, once in every three Months, to the President or Commander in Chief; and the said Commissary is hereby directed to keep a just and fair Account of all Arms, Stores and Provisions which may come to his Hands as aforesaid, and of the Delivery thereof.

Commissaries
to be appointed.

Their Duty.

34. *And*, in Order to enable the said Commissaries respectively, to afford a Supply of Provisions on any sudden call of small Detachments of Militia into Service, *Be it Enacted*, That it shall and may be lawful for the County-Treasurers respectively, to pay upon the Order of such Commissary, countersigned by the Commanding Officer of the Battalion to which the Detachment may belong, a Sum of Money not exceeding One Shilling for each Man, for every twenty-four Hours such Detachment is necessarily kept in Service, for the Expenditure of which Money the said Commissary shall forthwith account with the Commanding Officer of that Battalion, whose Certificate of such accounting shall be a

Supplies of
Provisions for
Detachments,
how procured.

D

Discharge

Discharge to the Commissary for the Disposition of such Money, a Duplicate of which Account and Certificate shall be returned by the Commanding Officer of the Battalion, to the General Assembly at their next Sitting thereafter; and the Order so countersigned and Receipt thereon shall be a sufficient Voucher for the County Treasurer's paying the same, in his Account with the State-Treasurer.

What Articles
of War the
Militia shall be
subject to.

35. *And be it Enacted*, That the Militia of this State, as well without as within the State, be subject only to such Articles of War as are or may be established by the General Assembly thereof, and shall be tried only by their own Officers.

Bounty for
marching out
of the State.

36. *And be it Enacted*, That the Sum of Three Pounds be allowed to every non-commissioned Officer and Private in the Militia of this State, who shall march out of the same with his Class when ordered, and continue in the Service six Weeks; and in Proportion for any shorter Time, if regularly discharged, over and above his monthly Pay and Rations.

Persons disabled
to be supported.

37. *And be it Enacted*, That if any Person, either Officer or Private shall happen to be wounded or disabled upon any Invasion, or in any military Service under this Act, he shall be taken Care of, supported and maintained, according to his Rank and Dignity, at the public Charge of this State, during the Time of his Disability.

Militia exempt
from Arrests.

38. *And be it Enacted*, That no Person or Persons, by this Act directed to meet and muster, or perform any military Duty, shall be liable to be arrested, or taken by any Sheriff, Constable or other Officer, in any civil Action whatsoever, on the Day of such Meeting, in going to, remaining at, or returning from the Place of such Meeting for Muster, or other military Duty, but every such Arrest shall be *ipso Facto* void, and the Officer making the same, shall be liable to an Action of Trespass for false Imprisonment, at the Suit of the Party so arrested, and he shall be forthwith set at Liberty and discharged from the Custody of such Officer, by Order of any one Judge or Justice of the Peace of the County where such Arrest is made, or of the Captain of the Company to which such Person doth belong; and the Arms and Accoutrements aforesaid, of every Person required by this Act to provide and keep the same for military Service, shall be, and are hereby declared to be exempt and privileged from all Distresses, Executions, Extents, Attachments or other Procefs whatsoever; and any civil Officer distraining, seizing, attaching, or taking the same in Execution, shall forfeit and pay the Sum of Three Pounds, to the Party grieved; to be recovered at the Suit of

Their Arms
privileged
from Distresses,
&c.

of said Party, in the same Mode other Debts or Demands under Five Pounds are made recoverable by the Laws of this State, and any Sale of said Arms and Accoutrements, so as aforesaid exempt, made by any Officer, shall be null and void.

39. *And be it Enacted*, That any Fine or Forfeiture under Five Pounds, that may be incurred under this Act, shall be sued for and recovered as Debts of Forty Shillings or under, may now be sued for and recovered, and all and every of the Fines and Forfeitures of Five Pounds and upwards, by this Act made payable, the Mode of recovering which is not herein before particularly pointed out, shall be sued for and recovered by the Treasurer of the Battalion to which the Officer or Person incurring the same belongs, by Summons or Warrant, and Execution, from under the Hand and Seal of a Justice of the Peace, in the Neighbourhood where the Person charged resides, directed to the Sheriff of the County, requiring him to levy the same on the Goods and Chattels of the Delinquent, and the same cause to be appraised by two Freeholders, and after being publicly advertised ten Days, to make Sale thereof, and after Payment of the Fine or Forfeiture to the Treasurer suing for the same, together with Costs and Charges, pay the Overplus, if any, to the Owner, and if Goods and Chattels sufficient to discharge the same cannot be found, that then the Justice granting such Precept, shall certify the Proceedings had thereon, to the Prothonotary of the County, who is thereupon required to issue a *Fieri Facias* for the levying of the Fines and Forfeitures aforesaid, on the Lands or Tenements of such Delinquent.

Fines under
£. 5, how re-
covered.

above £ 5
how.

40. *Provided always, and be it Enacted*, That if any Person or Persons shall think him, her or themselves aggrieved by the Judgement of the Justice aforesaid, in any Suit of Five Pounds and upwards, he, she or they may appeal before the Justice aforesaid, and on the Parties giving sufficient Security within six Days next after any such Judgement, to prosecute such appeal in the Court of Common Pleas of the County with Effect, the Justice shall receive the same, and stay further Process, and the said Justice shall return every such Appeal on the first Day of the next Term, and the Court shall direct the Trial by Jury as in other Cases of Debt, whose Verdict shall be final and conclusive, and all such Appeals shall be tried at the Term to which such Returns shall be made; any Law, Custom, or Usage to the Contrary notwithstanding.

Persons ag-
grieved may
appeal.

41. *And be it Enacted*, That if any Suit or Action shall be brought against any Officer, civil or military, for doing the Duty enjoined or required of him by this Act, he may plead the
general

Officers sued,
their Remedy.

general Issue and give this Act in Evidence ; and if the Plaintiff in such Suit or Action shall discontinue the same, be nonsuited, or a Verdict pass against him, or Judgement be given against him, he shall pay the Defendant treble Costs.

Continuance
of this Act.

42. *And be it Enacted*, That this Act shall continue in Force so long as the present War between the *United States of America* and *Great-Britain* shall continue, and from thence until the End of the Sitting of the next General Assembly, and no longer.

Former Acts
repealed.

43. *And be it Enacted*, That an Act of the General Assembly of this State, intituled, " An Act for establishing a Militia within this State," another Act, intituled, " A Supplement to an Act for establishing a Militia within this State," and another Act, intituled, " An additional supplementary Act to the Act, intituled, An Act for establishing a Militia within this State," be and are hereby repealed and made void ; except so far as relates to the Duty of Treasurers of Battalions respectively, who shall continue to act until the Treasurers herein before directed to be appointed shall be chosen.

Signed, by Order of the House of Assembly,

SIMON KOLLOCK, *Speaker.*

Signed, by Order of the Council,

THOS. COLLINS, *Speaker.*

Passed at Dover,
February 5, 1782.